

AMENDED IN SENATE AUGUST 20, 2001

AMENDED IN SENATE JULY 17, 2001

AMENDED IN SENATE JUNE 27, 2001

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

ASSEMBLY BILL

No. 1695

**Introduced by Committee on Human Services (Aroner (Chair),
Goldberg (Vice Chair), Chan, Diaz, and Dutra)**

March 6, 2001

An act to amend Sections 1505, 1521.5, 1521.6, and 1525.5 of the Health and Safety Code, to amend Section 11105.2 of the Penal Code, and to amend Sections 309, 319, 361.2, 361.3, 727, 11400, 11401, 11402, 11461, 16504.5, 16507.5, and 16518 of, and to add Section 362.7 to, the Welfare and Institutions Code, relating to foster care, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 1695, as amended, Committee on Human Services. Foster care.

Existing law sets forth the California Community Care Facilities Act which regulates, among other things, residential care facilities for children, except as specified.

This bill would exempt from that act the homes of relatives and nonrelative; extended family members when children are placed by the juvenile court, as specified. The bill would also revise the requirements for licensure of foster family homes, and exempt foster family homes from provisions for the temporary licensure of community care facilities, as specified.

Existing law authorizes the Department of Justice to provide subsequent arrest notification to certain public agencies for specified purposes.

This bill would add to those purposes the approval of relative caregivers and nonrelative, extended family members, as defined, and would make related changes.

Existing law sets forth various placement options for children who have been adjudged dependent children of the juvenile court and removed from their homes on the basis of neglect or abuse. Existing law also specifies various placement options for children who have been declared wards of the juvenile court. Existing law establishes a preference for placement in the home of a relative.

Existing law generally requires a court to make a determination on the record at the initial petition hearing as to whether reasonable efforts were made to prevent or eliminate the need to remove a dependent child from the home. If the first contact with the family has occurred during an emergency situation in which the child could not safely remain at home, even if reasonable services were provided, the court must make a finding that the lack of preplacement preventive services was reasonable.

This bill would provide that the standards used to evaluate and grant or deny approval of the home of a relative or the home of a nonrelative, extended family member for the placement of a child shall be the same standards as set forth in specified regulations for licensing foster family homes, as specified. The bill would also provide for conditional approval pending criminal history information, and would revise the safety requirements regarding placement in a relative's home in specified instances.

The bill would also delete the provision requiring the court to make a finding that the lack of preplacement preventive services was reasonable if the first contact with the family of a dependent child has occurred during an emergency situation as described above. The bill would revise the list of homes into which a dependent child who is under the care, custody, and control of a social worker, or a ward of the juvenile court who is under the care, custody, and control of a probation officer, may be placed to specifically include the home a nonrelative extended family member, as defined. The bill would make other, related changes. The bill would require the State Department of Social Services to adopt regulations to implement these provisions by July 1, 2002. The bill would also include a statement of legislative intent.



Existing law provides for Aid to Families with Dependent Children (AFDC) for children who have been removed from their homes in certain instances.

This bill would remove specified requirements for AFDC where a child was removed from his or her home during an emergency situation or when there is a judicial determination that the lack of preplacement preventive efforts was reasonable, as specified.

The bill would declare that it is to take effect immediately as an urgency statute.

Vote: ²/₃. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. It is the intent of the Legislature to continue to
- 2 promote the successful implementation of the statutory preference
- 3 for foster care placement with relative caregivers as set forth in
- 4 Section 7950 of the Family Code. Placement of a child with a
- 5 relative caregiver most closely meets the statutory requirement of
- 6 Section 16000 of the Welfare and Institutions Code that a child live
- 7 in the least restrictive and most familylike setting possible.
- 8 California's clear mandate for an exhaustive search for available
- 9 relatives and primary consideration of these relatives for
- 10 placement is in accord with federal Title IV-E requirements that
- 11 the "State shall consider giving preference to an adult relative over
- 12 a nonrelated caregiver when determining placement for a child."
- 13 The intent of the Legislature is to clarify that California's
- 14 relative caregiver approval process employs the same standards
- 15 used to license foster care homes in accordance with the federal
- 16 Adoption and Safe Families Act of 1997, (P.L. 105-89), and,
- 17 therefore, California's compliance entitles it to continuous Title
- 18 IV-E foster care maintenance and administration payments.
- 19 SEC. 2. Section 1505 of the Health and Safety Code is
- 20 amended to read:
- 21 1505. This chapter does not apply to any of the following:
- 22 (a) Any health facility, as defined by Section 1250.
- 23 (b) Any clinic, as defined by Section 1202.
- 24 (c) Any juvenile placement facility approved by the California
- 25 Youth Authority or any juvenile hall operated by a county.



1 (d) Any place in which a juvenile is judicially placed pursuant
2 to subdivision (a) of Section 727 of the Welfare and Institutions
3 Code.

4 (e) Any child day care facility, as defined in Section 1596.750.

5 (f) Any facility conducted by and for the adherents of any
6 well-recognized church or religious denomination for the purpose
7 of providing facilities for the care or treatment of the sick who
8 depend upon prayer or spiritual means for healing in the practice
9 of the religion of the church or denomination.

10 (g) Any school dormitory or similar facility determined by the
11 department.

12 (h) Any house, institution, hotel, homeless shelter, or other
13 similar place that supplies board and room only, or room only, or
14 board only, provided that no resident thereof requires any element
15 of care as determined by the director.

16 (i) Recovery houses or other similar facilities providing group
17 living arrangements for persons recovering from alcoholism or
18 drug addiction where the facility provides no care or supervision.

19 (j) Any alcoholism or drug abuse recovery or treatment facility
20 as defined by Section 11834.11.

21 (k) Any arrangement for the receiving and care of persons by
22 a relative or any arrangement for the receiving and care of persons
23 from only one family by a close friend of the parent, guardian, or
24 conservator, if the arrangement is not for financial profit and
25 occurs only occasionally and irregularly, as defined by regulations
26 of the department. For purposes of this chapter, arrangements for
27 the receiving and care of persons by a relative shall include
28 relatives of the child for the purpose of keeping sibling groups
29 together.

30 (l) (1) Any home of a relative caregiver of children who are
31 placed by a juvenile court, supervised by the county welfare or
32 probation department, and the placement of whom is approved
33 according to subdivision (d) of Section 309 of the Welfare and
34 Institutions Code.

35 (2) Any home of a nonrelative, extended family member, as
36 described in Section 362.7 of the Welfare and Institutions Code,
37 providing care to children who are placed by a juvenile court,
38 supervised by the county welfare or probation department, and the
39 placement of whom is approved according to subdivision (d) of
40 Section 309 of the Welfare and Institutions Code.



1 (m) Any supported living arrangement for individuals with
2 developmental disabilities as defined in Section 4689 of the
3 Welfare and Institutions Code.

4 (n) (1) Any family home agency or family home, as defined in
5 Section 4689.1 of the Welfare and Institutions Code, that is
6 vendored by the State Department of Developmental Services and
7 that does either of the following:

8 (A) As a family home approved by a family home agency,
9 provides 24-hour care for one or two adults with developmental
10 disabilities in the residence of the family home provider or
11 providers and the family home provider or providers' family, and
12 the provider is not licensed by the State Department of Social
13 Services or the State Department of Health Services or certified by
14 a licensee of the State Department of Social Services or the State
15 Department of Health Services.

16 (B) As a family home agency, engages in recruiting, approving,
17 and providing support to family homes.

18 (2) No part of this subdivision shall be construed as
19 establishing by implication either a family home agency or family
20 home licensing category.

21 (o) Any facility in which only Indian children who are eligible
22 under the federal Indian Child Welfare Act, Chapter 21
23 (commencing with Section 1901) of Title 25 of the United States
24 Code are placed and that is one of the following:

25 (1) An extended family member of the Indian child, as defined
26 in Section 1903 of Title 25 of the United States Code.

27 (2) A foster home that is licensed, approved, or specified by the
28 Indian child's tribe pursuant to Section 1915 of Title 25 of the
29 United States Code.

30 (p) Any housing for elderly or disabled persons, or both, that
31 is approved and operated pursuant to Section 202 of Public Law
32 86-372 (12 U.S.C.A. Sec. 1701g), or Section 811 of Public Law
33 101-625 (42 U.S.C.A. Sec. 8013), or whose mortgage is insured
34 pursuant to Section 236 of Public Law 90-448 (12 U.S.C.A. Sec.
35 1715z), or that receives mortgage assistance pursuant to Section
36 221d (3) of Public Law 87-70 (12 U.S.C.A. Sec. 17151), where
37 supportive services are made available to residents at their option,
38 as long as the project owner or operator does not contract for or
39 provide the supportive services. The project owner or operator

1 may coordinate, or help residents gain access to, the supportive
2 services, either directly, or through a service coordinator.

3 (q) Any similar facility determined by the director.

4 SEC. 3. Section 1521.5 of the Health and Safety Code is
5 amended to read:

6 1521.5. (a) The county welfare director shall, prior to the
7 issuance of any foster family home license, ensure that the county
8 licensing staff, or the placement staff, conducts one or more
9 in-home interviews with the prospective foster parent sufficient to
10 collect information on caregiver qualifications that may be used by
11 the placement agency to evaluate the ability, willingness, and
12 readiness of the prospective foster parent to meet the varying needs
13 of children. The inability of a prospective foster parent to meet the
14 varying needs of children, shall not, in and of itself, preclude a
15 prospective foster parent from obtaining a foster family home
16 license. In counties in which the county has not contracted with the
17 state to license foster family homes, the in-home interview shall
18 be done by the placement agency.

19 (b) All in-home interviews required by this section shall be on
20 an in-person basis.

21 (c) If the in-home interview is conducted by the licensing
22 agency, it shall be a part of the licensing record, and shall be shared
23 with the placement agency pursuant to subdivision (e) of Section
24 1798.24 of the Civil Code.

25 (d) The in-home interview required by this section shall be
26 completed no later than 120 days following notification by the
27 licensing agency.

28 (e) No license shall be issued unless an in-home interview has
29 been conducted as required by this section.

30 SEC. 4. Section 1521.6 of the Health and Safety Code is
31 amended to read:

32 1521.6. (a) The Legislature recognizes the importance of
33 ensuring that prospective foster family homes meet specified
34 health and safety requirements. Moreover, the Legislature
35 acknowledges that there is a further need to evaluate a licensed
36 foster parent's ability, readiness, and willingness to meet the
37 varying needs of children, including hard-to-place children, in
38 order to ensure competent placement resources. Therefore, it is the
39 intent of the Legislature that the State Department of Social
40 Services, in consultation with county placement agencies, foster

1 care providers, and other interested parties, develop and
2 implement through regulations, a comprehensive home study
3 process that integrates the decision outcome of the home study
4 developed pursuant to Section 16518 of the Welfare and
5 Institutions Code, as a criteria for placement.

6 (b) This section shall become inoperative on the date the
7 regulations adopted pursuant to this section are filed with the
8 Secretary of State.

9 SEC. 5. Section 1525.5 of the Health and Safety Code is
10 amended to read:

11 1525.5. (a) The director may issue provisional licenses to
12 operate community care facilities for facilities which the director
13 determines are in substantial compliance with the provisions of
14 this chapter and the rules and regulations adopted pursuant thereto,
15 provided, that no life safety risks are involved, as determined by
16 the director. In determining whether any life safety risks are
17 involved, the director shall require completion of all applicable
18 fire clearances and criminal record clearances as otherwise
19 required by the department's rules and regulations. ~~Such a~~ The
20 provisional license shall expire six months from the date of
21 issuance, or at ~~such~~ any earlier time as the director may determine,
22 and may not be renewed. However, the director may extend the
23 term of a provisional license for an additional six months at time
24 of application, if it is determined that more than six months will
25 be required to achieve full compliance with licensing standards
26 due to circumstances beyond the control of the applicant, provided
27 all other requirements for a license have been met.

28 (b) This section shall not apply to foster family homes.

29 SEC. 6. Section 11105.2 of the Penal Code is amended to
30 read:

31 11105.2. (a) The Department of Justice may provide
32 subsequent arrest notification to any agency authorized by Section
33 11105 to receive state summary criminal history information to
34 assist in fulfilling employment, licensing, certification duties, ~~or~~
35 ~~approval of relative caregivers and nonrelative, extended family~~
36 ~~members, as set forth in Section 309 of the Welfare and Institutions~~
37 ~~Code, or the duties of approving relative caregivers and~~
38 ~~nonrelative extended family members,~~ upon the arrest of any
39 person whose fingerprints are maintained on file at the Department
40 of Justice as the result of an application for licensing, employment,

1 certification, or approval. The notification shall consist of a
2 current copy of the person's state summary criminal history
3 transcript.

4 (b) *For purposes of this section, "approval" means those*
5 *duties described in subdivision (d) of Section 309 of the Welfare*
6 *and Institutions Code for approving the home of a relative*
7 *caregiver or of a nonrelative extended family member for*
8 *placement of a child supervised by the juvenile court.*

9 (c) Any agency, other than a law enforcement agency
10 employing peace officers as defined in Section 830.1, subdivisions
11 (a) and (e) of Section 830.2, subdivision (a) of Section 830.3,
12 subdivisions (a) and (b) of Section 830.5, and subdivision (a) of
13 Section 830.31, shall enter into a contract with the Department of
14 Justice in order to receive notification of subsequent arrests for
15 licensing, employment, or certification purposes.

16 ~~(c)~~

17 (d) Any agency which submits the fingerprints of applicants for
18 licensing, employment, certification, or approval to the
19 Department of Justice for the purpose of establishing a record of
20 the applicant to receive notification of subsequent arrests shall
21 immediately notify the department when the employment of the
22 applicant is terminated, when the applicant's license or certificate
23 is revoked, when the applicant may no longer renew or reinstate
24 the license or certificate, or when a relative caregiver's or
25 nonrelative, extended family member's approval is terminated.
26 The Department of Justice shall terminate subsequent arrest
27 notification on any applicant upon the request of the licensing,
28 employment, certifying, or approving authority.

29 ~~(d)~~

30 (e) Any agency receiving a notification of subsequent arrest for
31 a person unknown to the agency, or for a person no longer
32 employed by the agency, or no longer eligible to renew the
33 certificate or license for which subsequent arrest notification
34 service was established shall immediately return the subsequent
35 arrest notification to the Department of Justice, informing the
36 department that the agency is no longer interested in the applicant.
37 The agency shall not record or otherwise retain any information
38 received as a result of the subsequent arrest notice.

39 ~~(e)~~

1 (f) Any agency which submits the fingerprints of an applicant
2 for employment, licensing, certification, or approval to the
3 Department of Justice for the purpose of establishing a record at
4 the department to receive notification of subsequent arrest shall
5 immediately notify the department if the applicant is not
6 subsequently employed, or if the applicant is denied licensing
7 certification, or approval.

8 ~~(f)~~

9 (g) An agency which fails to provide the Department of Justice
10 with notification as set forth in subdivisions (c), (d), and (e) may
11 be denied further subsequent arrest notification service.

12 ~~(g)~~

13 (h) Notwithstanding subdivisions (c), (d), and (f), subsequent
14 arrest notification by the Department of Justice and retention by
15 the employing agency shall continue as to retired peace officers
16 listed in subdivision (c) of Section 830.5.

17 SEC. 7. Section 309 of the Welfare and Institutions Code is
18 amended to read:

19 309. (a) Upon delivery to the social worker of a child who has
20 been taken into temporary custody under this article, the social
21 worker shall immediately investigate the circumstances of the
22 child and the facts surrounding the child's being taken into custody
23 and attempt to maintain the child with the child's family through
24 the provision of services. The social worker shall immediately
25 release the child to the custody of the child's parent, guardian, or
26 responsible relative unless one or more of the following conditions
27 exist:

28 (1) The child has no parent, guardian, or responsible relative;
29 or the child's parent, guardian, or responsible relative is not willing
30 to provide care for the child.

31 (2) Continued detention of the child is a matter of immediate
32 and urgent necessity for the protection of the child and there are
33 no reasonable means by which the child can be protected in his or
34 her home or the home of a responsible relative.

35 (3) There is substantial evidence that a parent, guardian, or
36 custodian of the child is likely to flee the jurisdiction of the court.

37 (4) The child has left a placement in which he or she was placed
38 by the juvenile court.

39 (5) The parent or other person having lawful custody of the
40 child voluntarily surrendered physical custody of the child

1 pursuant to Section 1255.7 of the Health and Safety Code and did
2 not reclaim the child within the 14-day period specified in
3 subdivision (e) of that section.

4 (b) In any case in which there is reasonable cause for believing
5 that a child who is under the care of a physician or surgeon or a
6 hospital, clinic, or other medical facility and cannot be
7 immediately moved is a person described in Section 300, the child
8 shall be deemed to have been taken into temporary custody and
9 delivered to the social worker for the purposes of this chapter while
10 the child is at the office of the physician or surgeon or the medical
11 facility.

12 (c) If the child is not released to his or her parent or guardian,
13 the child shall be deemed detained for purposes of this chapter.

14 (d) If an able and willing relative, as defined in Section 319, is
15 available and requests temporary placement of the child pending
16 the detention hearing, the county welfare department shall initiate
17 an assessment of the relative's suitability, which shall include an
18 in-home inspection to assess the safety of the home and the ability
19 of the relative to care for the child's needs, and a consideration of
20 the results of a criminal records check and a check of allegations
21 of prior child abuse or neglect concerning the relative and other
22 adults in the home. The standards used to evaluate and grant or
23 deny approval of the home of the relative and of the home of a
24 nonrelative; extended family member, as described in Section
25 362.7, shall be the same standards set forth in regulations for the
26 licensing of foster family homes which prescribe standards of
27 safety and sanitation for the physical plant and standards for basic
28 personal care, supervision, and services provided by the caregiver.
29 If a relative or nonrelative; extended family member meets all
30 other conditions for approval, except for the receipt of the Federal
31 Bureau of Investigation's criminal history information for the
32 relative or nonrelative; extended family member, and other adults
33 in the home, as indicated, the county welfare department may
34 approve the home and document that approval, if the relative or
35 nonrelative; extended family member, and each adult in the home,
36 has signed and submitted a statement that he or she has never been
37 convicted of a crime in the United States, other than a traffic
38 infraction as defined in paragraph (1) of subdivision (a) of Section
39 42001 of the Vehicle Code. If, after the approval has been granted,
40 the department determines that the relative or nonrelative;

1 extended family member or other adult in the home has a criminal
2 record, the approval may be terminated.

3 (e) This section shall be repealed on January 1, 2006, unless a
4 later enacted statute extends or deletes that date.

5 SEC. 8. Section 309 of the Welfare and Institutions Code is
6 amended to read:

7 309. (a) Upon delivery to the social worker of a child who has
8 been taken into temporary custody under this article, the social
9 worker shall immediately investigate the circumstances of the
10 child and the facts surrounding the child's being taken into custody
11 and attempt to maintain the child with the child's family through
12 the provision of services. The social worker shall immediately
13 release the child to the custody of the child's parent, guardian, or
14 responsible relative unless one or more of the following conditions
15 exist:

16 (1) The child has no parent, guardian, or responsible relative;
17 or the child's parent, guardian, or responsible relative is not willing
18 to provide care for the child.

19 (2) Continued detention of the child is a matter of immediate
20 and urgent necessity for the protection of the child and there are
21 no reasonable means by which the child can be protected in his or
22 her home or the home of a responsible relative.

23 (3) There is substantial evidence that a parent, guardian, or
24 custodian of the child is likely to flee the jurisdiction of the court.

25 (4) The child has left a placement in which he or she was placed
26 by the juvenile court.

27 (b) In any case in which there is reasonable cause for believing
28 that a child who is under the care of a physician or surgeon or a
29 hospital, clinic, or other medical facility and cannot be
30 immediately moved is a person described in Section 300, the child
31 shall be deemed to have been taken into temporary custody and
32 delivered to the social worker for the purposes of this chapter while
33 the child is at the office of the physician or surgeon or the medical
34 facility.

35 (c) If the child is not released to his or her parent or guardian,
36 the child shall be deemed detained for purposes of this chapter.

37 (d) If an able and willing relative, as defined in Section 319, is
38 available and requests temporary placement of the child pending
39 the detention hearing, the county welfare department shall initiate
40 an assessment of the relative's suitability, which shall include an

1 in-home inspection to assess the safety of the home and the ability
2 of the relative to care for the child's needs, and a consideration of
3 the results of a criminal records check and a check of allegations
4 of prior child abuse or neglect concerning the relative and other
5 adults in the home. The standards used to evaluate and grant or
6 deny approval of the ~~relative's home for the placement of the child~~
7 *home of a relative or a nonrelative extended family member, as*
8 *described in Section 362.7, shall be the same standards set forth in*
9 *regulations adopted pursuant to Section 1530.5 of the Health and*
10 ~~*Safety Code for licensing foster family homes for licensing foster*~~
11 *family homes. These regulations prescribe standards of safety and*
12 *sanitation for the physical plant and standards for basic personal*
13 *care, supervision, and services provided by the caregiver. If a*
14 *relative or nonrelative extended family member meets all other*
15 *conditions for approval, except for the receipt of the Federal*
16 *Bureau of Investigations' criminal history information for a*
17 *relative, or nonrelative extended family member, and other adults*
18 *in the home, as indicated, the county welfare department may*
19 *approve the home and document that approval, if the relative, or*
20 *nonrelative extended family member, and each adult in the home*
21 *has signed and submitted a statement that he or she has never been*
22 *convicted of a crime in the United States, other than a traffic*
23 *infraction as defined in paragraph (1) of subdivision (a) of Section*
24 *42001 of the Vehicle Code. If, after the approval has been granted,*
25 *the department determines that the relative or nonrelative*
26 *extended family member or other adult in the home has a criminal*
27 *record, the approval may be terminated.*

28 SEC. 9. Section 319 of the Welfare and Institutions Code is
29 amended to read:

30 319. (a) At the initial petition hearing, the court shall
31 examine the child's parents, guardians, or other persons having
32 relevant knowledge and hear the relevant evidence as the child, the
33 child's parents or guardians, the petitioner, or their counsel desires
34 to present. The court may examine the child, as provided in Section
35 350.

36 (b) The social worker shall report to the court on the reasons
37 why the child has been removed from the parent's custody; the
38 need, if any, for continued detention; the available services and the
39 referral methods to those services that could facilitate the return of
40 the child to the custody of the child's parents or guardians; and

whether there are any relatives who are able and willing to take temporary custody of the child. The court shall order the release of the child from custody unless a prima facie showing has been made that the child comes within Section 300, the court finds that continuance in the parent's or guardian's home is contrary to the child's welfare, and any of the following circumstances exist:

(1) There is a substantial danger to the physical health of the child or the child is suffering severe emotional damage, and there are no reasonable means by which the child's physical or emotional health may be protected without removing the child from the parents' or guardians' physical custody.

(2) There is substantial evidence that a parent, guardian, or custodian of the child is likely to flee the jurisdiction of the court.

(3) The child has left a placement in which he or she was placed by the juvenile court.

(4) The child indicates an unwillingness to return home, if the child has been physically or sexually abused by a person residing in the home.

(c) If the matter is continued pursuant to Section 322 *or for any other reason*, the court shall find that the continuance of the child in the parent's or guardian's home is contrary to the child's welfare at the initial petition hearing or order the release of the child from custody.

(d) (1) The court shall also make a determination on the record, referencing the social worker's report or other evidence relied upon, as to whether reasonable efforts were made to prevent or eliminate the need for removal of the child from his or her home, pursuant to subdivision (b) of Section 306, and whether there are available services that would prevent the need for further detention. Services to be considered for purposes of making this determination are case management, counseling, emergency shelter care, emergency in-home caretakers, out-of-home respite care, teaching and demonstrating homemakers, parenting training, transportation, and any other child welfare services authorized by the State Department of Social Services pursuant to Chapter 5 (commencing with Section 16500) of Part 4 of Division 9. The court shall also review whether the social worker has considered whether a referral to public assistance services pursuant to Chapter 2 (commencing with Section 11200) and Chapter 7 (commencing with Section 14000) of Part 3, Chapter 1 (commencing with

1 Section 17000) of Part 5, and Chapter 10 (commencing with
2 Section 18900) of Part 6 of Division 9 would have eliminated the
3 need to take temporary custody of the child or would prevent the
4 need for further detention.

5 (2) If the child can be returned to the custody of his or her parent
6 or guardian through the provision of those services, the court shall
7 place the child with his or her parent or guardian and order that the
8 services shall be provided. If the child cannot be returned to the
9 custody of his or her parent or guardian, the court shall determine
10 if there is a relative who is able, approved, and willing to care for
11 the child.

12 (e) Whenever a court orders a child detained, the court shall
13 state the facts on which the decision is based, shall specify why the
14 initial removal was necessary, shall reference the social worker's
15 report or other evidence relied upon to make its determination
16 whether continuance in the home of the parent or legal guardian
17 in contrary to the child's welfare, shall order temporary placement
18 and care of the child to be vested with the county child welfare
19 department pending the hearing held pursuant to Section 355 or
20 further order of the court, and shall order services to be provided
21 as soon as possible to reunify the child and his or her family if
22 appropriate.

23 (f) When the child is not released from custody, the court may
24 order that the child shall be placed in the approved home of a
25 relative, in an emergency shelter or other suitable licensed place,
26 in a place exempt from licensure designated by the juvenile court,
27 or in the approved home of ~~an~~ a *nonrelative* extended family
28 member as defined in Section 362.7 for a period not to exceed 15
29 judicial days.

30 As used in this section, "relative" means an adult who is related
31 to the child by blood, adoption, or affinity within the fifth degree
32 of kinship, including stepparents, stepsiblings, and all relatives
33 whose status is preceded by the words "great," "great-great," or
34 "grand," or the spouse of any of these persons, even if the
35 marriage was terminated by death or dissolution. However, only
36 the following relatives shall be given preferential consideration for
37 placement of the child: an adult who is a grandparent, aunt, uncle,
38 or sibling of the child.

39 The court shall consider the recommendations of the social
40 worker based on the approval of the relative's home, including the

1 results of a criminal records check and prior child abuse
2 allegations, if any, prior to ordering that the child be placed with
3 a relative. The court shall order the parent to disclose to the social
4 worker the names, residences, and any known identifying
5 information of any maternal or paternal relatives of the child. The
6 social worker shall initiate the assessment pursuant to Section
7 361.3 of any relative to be considered for continuing placement.

8 SEC. 10. Section 361.2 of the Welfare and Institutions Code
9 is amended to read:

10 361.2. (a) When a court orders removal of a child pursuant to
11 Section 361, the court shall first determine whether there is a
12 parent of the child, with whom the child was not residing at the
13 time that the events or conditions arose that brought the child
14 within the provisions of Section 300, who desires to assume
15 custody of the child. If that parent requests custody, the court shall
16 place the child with the parent unless it finds that placement with
17 that parent would be detrimental to the safety, protection, or
18 physical or emotional well-being of the child.

19 (b) If the court places the child with that parent it may do either
20 of the following:

21 (1) Order that the parent become legal and physical custodian
22 of the child. The court may also provide reasonable visitation by
23 the noncustodial parent. The court shall then terminate its
24 jurisdiction over the child. The custody order shall continue unless
25 modified by a subsequent order of the superior court. The order of
26 the juvenile court shall be filed in any domestic relation
27 proceeding between the parents.

28 (2) Order that the parent assume custody subject to the
29 supervision of the juvenile court. In that case the court may order
30 that reunification services be provided to the parent or guardian
31 from whom the child is being removed, or the court may order that
32 services be provided solely to the parent who is assuming physical
33 custody in order to allow that parent to retain later custody without
34 court supervision, or that services be provided to both parents, in
35 which case the court shall determine, at review hearings held
36 pursuant to Section 366, which parent, if either, shall have custody
37 of the child.

38 (c) The court shall make a finding either in writing or on the
39 record of the basis for its determination under subdivisions (a) and
40 (b).

(d) Part 6 (commencing with Section 7950) of Division 12 of the Family Code shall apply to the placement of a child pursuant to paragraphs (1) and (2) of subdivision (e).

(e) When the court orders removal pursuant to Section 361, the court shall order the care, custody, control, and conduct of the child to be under the supervision of the social worker who may place the child in any of the following:

(1) The home of a noncustodial parent as described in subdivision (a).

(2) The approved home of a relative.

(3) The approved home of a nonrelative extended family member as defined in Section 362.7.

(4) A foster home in which the child has been placed before an interruption in foster care, if that placement is in the best interest of the child and space is available.

(5) A suitable licensed community care facility.

(6) With a foster family agency to be placed in a suitable licensed foster family home or certified family home which has been certified by the agency as meeting licensing standards.

(7) A home or facility in accordance with the federal Indian Child Welfare Act.

(8) A child under the age of six years may be placed in a community care facility licensed as a group home for children, or a temporary shelter care facility as defined in Section 1530.8 of the Health and Safety Code, only under any of the following circumstances:

(A) When a case plan indicates that placement is for purposes of providing specialized treatment to the child, the case plan specifies the need for, nature of, and anticipated duration of this treatment, and the facility meets the applicable regulations adopted under Section 1530.8 of the Health and Safety Code and standards developed pursuant to Section 11467.1. The specialized treatment period shall not exceed 120 days, unless additional time is needed pursuant to the case plan as documented by the caseworker and approved by the caseworker's supervisor.

(B) When a case plan indicates that placement is for purposes of providing family reunification services. In addition, the facility offers family reunification services that meet the needs of the individual child and his or her family, permits parents to have reasonable access to their children 24 hours a day, encourages

1 extensive parental involvement in meeting the daily needs of their
2 children, and employs staff trained to provide family reunification
3 services. In addition, one of the following conditions exists:

4 (i) The child's parent is also a ward of the court and resides in
5 the facility.

6 (ii) The child's parent is participating in a treatment program
7 affiliated with the facility and the child's placement in the facility
8 facilitates the coordination and provision of reunification services.

9 (iii) Placement in the facility is the only alternative that permits
10 the parent to have daily 24-hour access to the child in accordance
11 with the case plan, to participate fully in meeting all of the daily
12 needs of the child, including feeding and personal hygiene, and to
13 have access to necessary reunification services.

14 (f) (1) If the child is taken from the physical custody of the
15 child's parent or guardian and unless the child is placed with
16 relatives, the child shall be placed in foster care in the county of
17 residence of the child's parent or guardian in order to facilitate
18 reunification of the family.

19 (2) In the event that there are no appropriate placements
20 available in the parent's or guardian's county of residence, a
21 placement may be made in an appropriate place in another county,
22 preferably a county located adjacent to the parent's or guardian's
23 community of residence.

24 (3) Nothing in this section shall be interpreted as requiring
25 multiple disruptions of the child's placement corresponding to
26 frequent changes of residence by the parent or guardian. In
27 determining whether the child should be moved, the social worker
28 shall take into consideration the potential harmful effects of
29 disrupting the placement of the child and the parent's or guardian's
30 reason for the move.

31 (4) When it has been determined that it is necessary for a child
32 to be placed in a county other than the child's parent's or guardian's
33 county of residence, the specific reason the out-of-county
34 placement is necessary shall be documented in the child's case
35 plan. If the reason the out-of-county placement is necessary is the
36 lack of resources in the sending county to meet the specific needs
37 of the child, those specific resource needs shall be documented in
38 the case plan.

39 (5) When it has been determined that a child is to be placed
40 out-of-county either in a group home or with a foster family

1 agency for subsequent placement in a certified foster family home,
2 and the sending county is to maintain responsibility for
3 supervision and visitation of the child, the sending county shall
4 develop a plan of supervision and visitation that specifies the
5 supervision and visitation activities to be performed and specifies
6 that the sending county is responsible for performing those
7 activities. In addition to the plan of supervision and visitation, the
8 sending county shall document information regarding any known
9 or suspected dangerous behavior of the child that indicates the
10 child may pose a safety concern in the receiving county. Upon
11 implementation of the Child Welfare Services Case Management
12 System, the plan of supervision and visitation, as well as
13 information regarding any known or suspected dangerous
14 behavior of the child, shall be made available to the receiving
15 county upon placement of the child in the receiving county. If
16 placement occurs on a weekend or holiday, the information shall
17 be made available to the receiving county on or before the end of
18 the next business day.

19 (6) When it has been determined that a child is to be placed
20 out-of-county and the sending county plans that the receiving
21 county shall be responsible for the supervision and visitation of the
22 child, the sending county shall develop a formal agreement
23 between the sending and receiving counties. The formal
24 agreement shall specify the supervision and visitation to be
25 provided the child, and shall specify that the receiving county is
26 responsible for providing the supervision and visitation. The
27 formal agreement shall be approved and signed by the sending and
28 receiving counties prior to placement of the child in the receiving
29 county. In addition, upon completion of the case plan, the sending
30 county shall provide a copy of the completed case plan to the
31 receiving county. The case plan shall include information
32 regarding any known or suspected dangerous behavior of the child
33 that indicates the child may pose a safety concern to the receiving
34 county.

35 (g) Whenever the social worker must change the placement of
36 the child and is unable to find a suitable placement within the
37 county and must place the child outside the county, the placement
38 shall not be made until he or she has served written notice on the
39 parent or guardian at least 14 days prior to the placement, unless
40 the child's health or well-being is endangered by delaying the



1 action or would be endangered if prior notice were given. The
2 notice shall state the reasons which require placement outside the
3 county. The parent or guardian may object to the placement not
4 later than seven days after receipt of the notice and, upon
5 objection, the court shall hold a hearing not later than five days
6 after the objection and prior to the placement. The court shall order
7 out-of-county placement if it finds that the child's particular needs
8 require placement outside the county.

9 (h) Where the court has ordered removal of the child from the
10 physical custody of his or her parents pursuant to Section 361, the
11 court shall consider whether the family ties and best interest of the
12 child will be served by granting visitation rights to the child's
13 grandparents. The court shall clearly specify those rights to the
14 social worker.

15 (i) Where the court has ordered removal of the child from the
16 physical custody of his or her parents pursuant to Section 361, the
17 court shall consider whether there are any siblings under the
18 court's jurisdiction, the nature of the relationship between the child
19 and his or her siblings, the appropriateness of developing or
20 maintaining the sibling relationships pursuant to Section 16002,
21 and the impact of the sibling relationships on the child's placement
22 and planning for legal permanence.

23 SEC. 11. Section 361.3 of the Welfare and Institutions Code
24 is amended to read:

25 361.3. (a) In any case in which a child is removed from the
26 physical custody of his or her parents pursuant to Section 361,
27 preferential consideration shall be given to a request by a relative
28 of the child for placement of the child with the relative. In
29 determining whether placement with a relative is appropriate, the
30 county social worker and court shall consider, but shall not be
31 limited to, consideration of all the following factors:

32 (1) The best interest of the child, including special physical,
33 psychological, educational, medical, or emotional needs.

34 (2) The wishes of the parent, the relative, and child, if
35 appropriate.

36 (3) The provisions of Part 6 (commencing with Section 7950)
37 of Division 12 of the Family Code regarding relative placement.

38 (4) Placement of siblings and half-siblings in the same home,
39 if that placement is found to be in the best interest of each of the
40 children as provided in Section 16002.

1 (5) The good moral character of the relative and any other adult
2 living in the home, including whether any individual residing in
3 the home has a prior history of violent criminal acts or has been
4 responsible for acts of child abuse or neglect.

5 (6) The nature and duration of the relationship between the
6 child and the relative, and the relative's desire to care for the child.

7 (7) The ability of the relative to do the following:

8 (A) Provide a safe, secure, and stable environment for the
9 child.

10 (B) Exercise proper and effective care and control of the child.

11 (C) Provide a home and the necessities of life for the child.

12 (D) Protect the child from his or her parents.

13 (E) Facilitate court-ordered reunification efforts with the
14 parents.

15 (F) Facilitate visitation with the child's other relatives.

16 (G) Facilitate implementation of all elements of the case plan.

17 (H) Provide legal permanence for the child if reunification
18 fails.

19 However, any finding made with respect to the factor
20 considered pursuant to this subparagraph and pursuant to
21 subparagraph (G) shall not be the sole basis for precluding
22 preferential placement with a relative.

23 (I) Arrange for appropriate and safe child care, as necessary.

24 (8) The safety of the relative's home. For a relative to be
25 considered appropriate to receive placement of a child under this
26 section, the relative's home shall first be approved pursuant to the
27 process and standards described in subdivision (d) of Section 309.

28 In this regard, the Legislature declares that a physical disability,
29 such as blindness or deafness, is no bar to the raising of children,
30 and a county social worker's determination as to the ability of a
31 disabled relative to exercise care and control should center upon
32 whether the relative's disability prevents him or her from
33 exercising care and control. The court shall order the parent to
34 disclose to the county social worker the names, residences, and any
35 other known identifying information of any maternal or paternal
36 relatives of the child. This inquiry shall not be construed, however,
37 to guarantee that the child will be placed with any person so
38 identified. The county social worker shall initially contact the
39 relatives given preferential consideration for placement to
40 determine if they desire the child to be placed with them. Those

desiring placement shall be assessed according to the factors enumerated in this subdivision. The county social worker shall document these efforts in the social study prepared pursuant to Section 358.1. The court shall authorize the county social worker, while assessing these relatives for the possibility of placement, to disclose to the relative, as appropriate, the fact that the child is in custody, the alleged reasons for the custody, and the projected likely date for the child's return home or placement for adoption or legal guardianship. However, this investigation shall not be construed as good cause for continuance of the dispositional hearing conducted pursuant to Section 358.

(b) In any case in which more than one appropriate relative requests preferential consideration pursuant to this section, each relative shall be considered under the factors enumerated in subdivision (a).

(c) For purposes of this section:

(1) "Preferential consideration" means that the relative seeking placement shall be the first placement to be considered and investigated.

(2) "Relative" means an adult who is related to the child by blood, adoption, or affinity within the fifth degree of kinship, including stepparents, stepsiblings, and all relatives whose status is preceded by the words "great," "great-great" or "grand" or the spouse of any of these persons even if the marriage was terminated by death or dissolution. However, only the following relatives shall be given preferential consideration for the placement of the child: an adult who is a grandparent, aunt, uncle, or sibling.

(d) Subsequent to the hearing conducted pursuant to Section 358, whenever a new placement of the child must be made, consideration for placement shall again be given as described in this section to relatives who have not been found to be unsuitable and who will fulfill the child's reunification or permanent plan requirements. In addition to the factors described in subdivision (a), the county social worker shall consider whether the relative has established and maintained a relationship with the child.

(e) If the court does not place the child with a relative who has been considered for placement pursuant to this section, the court shall state for the record the reasons placement with that relative was denied.

1 SEC. 12. Section 362.7 is added to the Welfare and
2 Institutions Code, to read:

3 362.7. ~~The~~ *When the home of a nonrelative extended family*
4 *member is being considered for placement of a child, the home*
5 *shall be evaluated, and approval of that home shall be granted or*
6 *denied, pursuant to the same standards set forth in the regulations*
7 *for the licensing of foster family homes which prescribe standards*
8 *of safety and sanitation for the physical plant and standards for*
9 *basic personal care, supervision, and services provided by the*
10 *caregiver.*

11 A “nonrelative extended family member” is defined as any
12 adult ~~caretaker~~ *caregiver* who has an established familial *or*
13 *mentoring* relationship with the child. ~~This shall be verified by~~
14 ~~interviews~~ *The county welfare department shall verify the*
15 *existence of a relationship through interviews with the parent and*
16 *child or with one or more third parties. The parties may include*
17 *relatives of the child, teachers, medical professionals, clergy,*
18 *neighbors, and family friends.*

19 SEC. 13. Section 727 of the Welfare and Institutions Code is
20 amended to read:

21 727. (a) When a minor is adjudged a ward of the court on the
22 ground that he or she is a person described by Section 601 or 602
23 the court may make any and all reasonable orders for the care,
24 supervision, custody, conduct, maintenance, and support of the
25 minor, including medical treatment, subject to further order of the
26 court. To facilitate coordination and cooperation among
27 government agencies, the court may, after giving notice and an
28 opportunity to be heard, join in the juvenile court proceedings any
29 agency that the court determines has failed to meet a legal
30 obligation to provide services to the minor. However, no
31 governmental agency shall be joined as a party in a juvenile court
32 proceeding in which a minor has been ordered committed to the
33 Department of the Youth Authority. In any proceeding in which an
34 agency is joined, the court shall not impose duties upon the agency
35 beyond those mandated by law. Nothing in this section shall
36 prohibit agencies which have received notice of the hearing on
37 joinder from meeting prior to the hearing to coordinate services for
38 the minor.

39 The court has no authority to order services unless it has been
40 determined through the administrative process of an agency that

1 has been joined as a party, that the minor is eligible for those
2 services. With respect to mental health assessment, treatment, and
3 case management services pursuant to Chapter 26.5 (commencing
4 with Section 7570) of Division 7 of Title 1 of the Government
5 Code, the court's determination shall be limited to whether the
6 agency has complied with that chapter.

7 In the discretion of the court, a ward may be ordered to be on
8 probation without supervision of the probation officer. The court,
9 in so ordering, may impose on the ward any and all reasonable
10 conditions of behavior as may be appropriate under this
11 disposition. A minor who has been adjudged a ward of the court
12 on the basis of the commission of any of the offenses described in
13 subdivision (b) or paragraph (2) of subdivision (d) of Section 707,
14 Section 459 of the Penal Code, or subdivision (a) of Section 11350
15 of the Health and Safety Code, shall not be eligible for probation
16 without supervision of the probation officer. A minor who has
17 been adjudged a ward of the court on the basis of the commission
18 of any offense involving the sale or possession for sale of a
19 controlled substance, except misdemeanor offenses involving
20 marijuana, as specified in Chapter 2 (commencing with Section
21 11053) of Division 10 of the Health and Safety Code, or of an
22 offense in violation of Section 12220 of the Penal Code, shall be
23 eligible for probation without supervision of the probation officer
24 only when the court determines that the interests of justice would
25 best be served and states reasons on the record for that
26 determination.

27 In all other cases, the court shall order the care, custody, and
28 control of the minor to be under the supervision of the probation
29 officer who may place the minor in any of the following:

30 (1) The approved home of a relative, or the approved home of
31 a nonrelative, extended family member as defined in Section
32 362.7. When a decision has been made to place the minor in the
33 home of a relative, the court may authorize the relative to give legal
34 consent for the minor's medical, surgical, and dental care and
35 education as if the relative caretaker were the custodial parent of
36 the minor.

37 (2) A suitable licensed community care facility.

38 (3) With a foster family agency to be placed in a suitable
39 licensed foster family home or certified family home which has
40 been certified by the agency as meeting licensing standards.

~~(b) Where the court has ordered a specific minor placed under the supervision of the probation officer and the probation officer has found that the needs of the child cannot be met in any available licensed or exempt facility, including emergency shelter, the minor may be placed in a suitable family home that has filed a license application with the State Department of Social Services, provided that all the following certification conditions are met:~~

~~(1) A preplacement home visit is made by the probation officer to determine the suitability of the family home.~~

~~(2) The probation officer verifies to the licensing agency in writing that the home lacks any deficiencies which would threaten the physical health, mental health, safety, or welfare of the minor.~~

~~(3) The probation officer notifies the licensing agency of the proposed placement and determines that the foster family home applicant has filed specific license application documents prior to and after the placement of the minor. If the license is subsequently denied, the minor shall be removed from the home immediately. The denial of the license constitutes a withdrawal of the certification.~~

~~When~~

~~(b) When a minor has been adjudged a ward of the court on the ground that he or she is a person described in Section 601 or 602 and the court finds that notice has been given in accordance with Section 661, and when the court orders that a parent or guardian shall retain custody of that minor either subject to or without the supervision of the probation officer, the parent or guardian may be required to participate with that minor in a counseling or education program including, but not limited to, parent education and parenting programs operated by community colleges, school districts, or other appropriate agencies designated by the court.~~

~~(c) The juvenile court may direct any and all reasonable orders to the parents and guardians of the minor who is the subject of any proceedings under this chapter as the court deems necessary and proper to carry out subdivisions (a) and (b), including orders to appear before a county financial evaluation officer and orders directing the parents or guardians to ensure the minor's regular school attendance and to make reasonable efforts to obtain appropriate educational services necessary to meet the needs of the minor.~~

1 When counseling or other treatment services are ordered for the
2 minor, the parent, guardian, or foster parent shall be ordered to
3 participate in those services, unless participation by the parent,
4 guardian, or foster parent is deemed by the court to be
5 inappropriate or potentially detrimental to the child.

6 ~~SEC. 14.—Section 11400 of the Welfare and Institutions Code~~
7 ~~is amended to read:~~

8 ~~11400. For the purposes of this article, the following~~
9 ~~definitions shall apply:~~

10 ~~(a) “Aid to Families with Dependent Children-Foster Care~~
11 ~~(AFDC-FC)” means the aid provided on behalf of needy children~~
12 ~~in foster care under the terms of this division.~~

13 ~~(b) “Case plan” means a written document that, at a minimum,~~
14 ~~specifies the type of home in which the child shall be placed, the~~
15 ~~safety of that home, and the appropriateness of that home to meet~~
16 ~~the child’s needs. It shall also include the agency’s plan for~~
17 ~~ensuring that the child receive proper care and protection in a safe~~
18 ~~environment, and shall set forth the appropriate services to be~~
19 ~~provided to the child, the child’s family, and the foster parents, in~~
20 ~~order to meet the child’s needs while in foster care, and to reunify~~
21 ~~the child with the child’s family. In addition, the plan shall specify~~
22 ~~the services that will be provided or steps that will be taken to~~
23 ~~facilitate an alternate permanent plan if reunification is not~~
24 ~~possible.~~

25 ~~(c) “Certified family home” means a family residence~~
26 ~~certified by a licensed foster family agency and issued a certificate~~
27 ~~of approval by that agency as meeting licensing standards, and~~
28 ~~used only by that foster family agency for placements.~~

29 ~~(d) “Family home” means the family residency of a licensee~~
30 ~~in which 24-hour care and supervision are provided for children.~~

31 ~~(e) “Small family home” means any residential facility, in the~~
32 ~~licensee’s family residence, which provides 24-hour care for six or~~
33 ~~fewer foster children who have mental disorders or developmental~~
34 ~~or physical disabilities and who require special care and~~
35 ~~supervision as a result of their disabilities.~~

36 ~~(f) “Foster care” means the 24-hour out-of-home care~~
37 ~~provided to children whose own families are unable or unwilling~~
38 ~~to care for them, and who are in need of temporary or long-term~~
39 ~~substitute parenting.~~

~~(g) “Foster family agency” means any individual or organization engaged in the recruiting, certifying, and training of, and providing professional support to, foster parents, or in finding homes or other places for placement of children for temporary or permanent care who require that level of care as an alternative to a group home. Private foster family agencies shall be organized and operated on a nonprofit basis.~~

~~(h) “Group home” means a nondetention privately operated residential home, organized and operated on a nonprofit basis only, of any capacity, that provides services in a group setting to children in need of care and supervision, as required by paragraph (1) of subdivision (a) of Section 1502 of the Health and Safety Code.~~

~~(i) “Periodic review” means review of a child’s status by the juvenile court or by an administrative review panel, that shall include a consideration of the safety of the child, a determination of the continuing need for placement in foster care, evaluation of the goals for the placement and the progress toward meeting these goals, and development of a target date for the child’s return home or establishment of alternative permanent placement.~~

~~(j) “Permanency planning hearing” means a hearing conducted by the juvenile court in which the child’s future status, including whether the child shall be returned home or another permanent plan shall be developed, is determined.~~

~~(k) “Placement and care” refers to the responsibility for the welfare of a child vested in an agency or organization by virtue of the agency or organization having (1) been delegated care, custody, and control of a child by the juvenile court, (2) taken responsibility, pursuant to a relinquishment or termination of parental rights on a child, (3) taken the responsibility of supervising a child detained by the juvenile court pursuant to Section 319 or 636, or (4) signed a voluntary placement agreement for the child’s placement; or to the responsibility designated to an individual by virtue of his or her being appointed the child’s legal guardian.~~

~~(l) “Preplacement preventive services” means services which are designed to help children remain with their families by preventing or eliminating the need for removal.~~

~~(m) “Relative” means an adult who is related to the child by blood, adoption, or affinity within the fifth degree of kinship, including stepparents, stepsiblings, and all relatives whose status~~

1 is preceded by the words “great,” “great-great,” or “grand” or
2 the spouse of any of these persons even if the marriage was
3 terminated by death or dissolution.

4 (n) ~~“Nonrelative extended family member” means an adult~~
5 ~~caretaker who has an established familial relationship with the~~
6 ~~child as described in Section 362.7.~~

7 (o) ~~“Voluntary placement” means an out-of-home placement~~
8 ~~of a child by (1) the county welfare department after the parents~~
9 ~~or guardians have requested the assistance of the county welfare~~
10 ~~department and have signed a voluntary placement agreement; or~~
11 ~~(2) the county welfare department licensed public or private~~
12 ~~adoption agency, or the department acting as an adoption agency,~~
13 ~~after the parents have requested the assistance of either the county~~
14 ~~welfare department, the licensed public or private adoption~~
15 ~~agency, or the department acting as an adoption agency for the~~
16 ~~purpose of adoption planning, and have signed a voluntary~~
17 ~~placement agreement.~~

18 (p) ~~“Voluntary placement agreement” means a written~~
19 ~~agreement between either the county welfare department, a~~
20 ~~licensed public or private adoption agency, or the department~~
21 ~~acting as an adoption agency, and the parents or guardians of a~~
22 ~~child that specifies, at a minimum, the following:~~

23 (1) ~~The legal status of the child.~~

24 (2) ~~The rights and obligations of the parents or guardians, the~~
25 ~~child, and the agency in which the child is placed.~~

26 (q) ~~“Original placement date” means the most recent date on~~
27 ~~which the court detained a child and ordered an agency to be~~
28 ~~responsible for supervising the child or the date on which an~~
29 ~~agency assumed responsibility for a child due to termination of~~
30 ~~parental rights, relinquishment, or voluntary placement.~~

31 (r) ~~“Transitional housing placement facility” means a~~
32 ~~community care facility licensed by the State Department of~~
33 ~~Social Services pursuant to Section 1559.110 of the Health and~~
34 ~~Safety Code to provide transitional housing opportunities to~~
35 ~~persons at least 17 years old, and not more than 18 years old unless~~
36 ~~they satisfy the requirements of Section 11403, who are in~~
37 ~~out-of-home placement under the supervision of the county~~
38 ~~department of social services or the county probation department,~~
39 ~~and who are participating in an independent living program.~~

1 ~~(s) “Transitional housing placement program” means a~~
2 ~~program that has been certified by the county department of social~~
3 ~~services or the county probation department and approved by the~~
4 ~~department to provide licensed, supervised, transitional housing~~
5 ~~opportunities to eligible youth pursuant to Section 16522.~~

6 *SEC. 14. Section 11400 of the Welfare and Institutions Code*
7 *is amended to read:*

8 11400. For the purposes of this article, the following
9 definitions shall apply:

10 (a) “Aid to Families with Dependent Children-Foster Care
11 (AFDC-FC)” means the aid provided on behalf of needy children
12 in foster care under the terms of this division.

13 (b) “Case plan” means a written document that, at a minimum,
14 specifies the type of home in which the child shall be placed, the
15 safety of that home, and the appropriateness of that home to meet
16 the child’s needs. It shall also include the agency’s plan for
17 ensuring that the child receive proper care and protection in a safe
18 environment, and shall set forth the appropriate services to be
19 provided to the child, the child’s family, and the foster parents, in
20 order to meet the child’s needs while in foster care, and to reunify
21 the child with the child’s family. In addition, the plan shall specify
22 the services that will be provided or steps that will be taken to
23 facilitate an alternate permanent plan if reunification is not
24 possible.

25 (c) “Certified family home” means a family residence
26 certified by a licensed foster family agency and issued a certificate
27 of approval by that agency as meeting licensing standards, and
28 used only by that foster family agency for placements.

29 (d) “Family home” means the family residency of a licensee
30 in which 24-hour care and supervision are provided for children.

31 (e) “Small family home” means any residential facility, in the
32 licensee’s family residence, which provides 24-hour care for six or
33 fewer foster children who have mental disorders or developmental
34 or physical disabilities and who require special care and
35 supervision as a result of their disabilities.

36 (f) “Foster care” means the 24-hour out-of-home care
37 provided to children whose own families are unable or unwilling
38 to care for them, and who are in need of temporary or long-term
39 substitute parenting.

1 (g) “Foster family agency” means any individual or
2 organization engaged in the recruiting, certifying, and training of,
3 and providing professional support to, foster parents, or in finding
4 homes or other places for placement of children for temporary or
5 permanent care who require that level of care as an alternative to
6 a group home. Private foster family agencies shall be organized
7 and operated on a nonprofit basis.

8 (h) “Group home” means a nondetention privately operated
9 residential home, organized and operated on a nonprofit basis only,
10 of any capacity, that provides services in a group setting to children
11 in need of care and supervision, as required by paragraph (1) of
12 subdivision (a) of Section 1502 of the Health and Safety Code.

13 (i) “Periodic review” means review of a child’s status by the
14 juvenile court or by an administrative review panel, that shall
15 include a consideration of the safety of the child, a determination
16 of the continuing need for placement in foster care, evaluation of
17 the goals for the placement and the progress toward meeting these
18 goals, and development of a target date for the child’s return home
19 or establishment of alternative permanent placement.

20 (j) “Permanency planning hearing” means a hearing
21 conducted by the juvenile court in which the child’s future status,
22 including whether the child shall be returned home or another
23 permanent plan shall be developed, is determined.

24 (k) “Placement and care” refers to the responsibility for the
25 welfare of a child vested in an agency or organization by virtue of
26 the agency or organization having (1) been delegated care,
27 custody, and control of a child by the juvenile court, (2) taken
28 responsibility, pursuant to a relinquishment or termination of
29 parental rights on a child, (3) taken the responsibility of
30 supervising a child detained by the juvenile court pursuant to
31 Section 319 or 636, or (4) signed a voluntary placement agreement
32 for the child’s placement; or to the responsibility designated to an
33 individual by virtue of his or her being appointed the child’s legal
34 guardian.

35 (l) “Preplacement preventive services” means services which
36 are designed to help children remain with their families by
37 preventing or eliminating the need for removal.

38 (m) “Relative” means an adult who is related to the child by
39 blood, adoption, or affinity within the fifth degree of kinship,
40 including stepparents, stepsiblings, and all relatives whose status

1 is preceded by the words “great,” “great-great,” or “grand” or
2 the spouse of any of these persons even if the marriage was
3 terminated by death or dissolution.

4 (n) “*Nonrelative extended family member*” means an adult
5 caregiver who has an established familial or mentoring
6 relationship with the child, as described in Section 362.7.

7 (o) “Voluntary placement” means an out-of-home placement
8 of a child by (1) the county welfare department after the parents
9 or guardians have requested the assistance of the county welfare
10 department and have signed a voluntary placement agreement; or
11 (2) the county welfare department licensed public or private
12 adoption agency, or the department acting as an adoption agency,
13 after the parents have requested the assistance of either the county
14 welfare department, the licensed public or private adoption
15 agency, or the department acting as an adoption agency for the
16 purpose of adoption planning, and have signed a voluntary
17 placement agreement.

18 ~~(p)~~

19 (p) “Voluntary placement agreement” means a written
20 agreement between either the county welfare department, a
21 licensed public or private adoption agency, or the department
22 acting as an adoption agency, and the parents or guardians of a
23 child that specifies, at a minimum, the following:

24 (1) The legal status of the child.

25 (2) The rights and obligations of the parents or guardians, the
26 child, and the agency in which the child is placed.

27 ~~(q)~~

28 (q) “Original placement date” means the most recent date on
29 which the court detained a child and ordered an agency to be
30 responsible for supervising the child or the date on which an
31 agency assumed responsibility for a child due to termination of
32 parental rights, relinquishment, or voluntary placement.

33 ~~(r)~~

34 (r) “Transitional housing placement facility” means either of
35 the following:

36 (1) A community care facility licensed by the State Department
37 of Social Services pursuant to Section 1559.110 of the Health and
38 Safety Code to provide transitional housing opportunities to
39 persons at least 16 years old, and not more than 18 years old unless
40 they satisfy the requirements of Section 11403, who are in

1 out-of-home placement under the supervision of the county
2 department of social services or the county probation department,
3 and who are participating in an independent living program.

4 (2) A facility certified to provide transitional housing services
5 pursuant to subdivision (e) of Section 1559.110 of the Health and
6 Safety Code.

7 ~~(+)~~

8 (s) “Transitional housing placement program” means a
9 program that provides supervised housing opportunities to eligible
10 youth pursuant to Article 4 (commencing with Section 16522) of
11 Chapter 5 of Part 4.

12 SEC. 15. Section 11401 of the Welfare and Institutions Code
13 is amended to read:

14 11401. Aid in the form of AFDC-FC shall be provided under
15 this chapter on behalf of any child under the age of 18 years, except
16 as provided in Section 11403, who meets the conditions of
17 subdivision (a), (b), (c), (d), (e), or (f):

18 (a) The child has been relinquished, for purposes of adoption,
19 to a licensed adoption agency, or the department, or the parental
20 rights of either or both of his or her parents have been terminated
21 after an action under the Family Code has been brought by a
22 licensed adoption agency or the department, provided that the
23 licensed adoption agency or the department, if responsible for
24 placement and care, provides to ~~such~~ *those* children all services as
25 required by the department to children in foster care.

26 (b) The child has been removed from the physical custody of
27 his or her parent, relative, or guardian as a result of a voluntary
28 placement agreement or a judicial determination that continuance
29 in the home would be contrary to the child’s welfare and that, if the
30 child was placed in foster care, reasonable efforts were made,
31 consistent with Chapter 5 (commencing with Section 16500) of
32 Part 4, to prevent or eliminate the need for removal of the child
33 from his or her home and to make it possible for the child to return
34 to his or her home, and any of the following ~~apply~~ *applies*:

35 (1) The child has been adjudged a dependent child of the court
36 on the grounds that he or she is a person described by Section 300.

37 (2) The child has been adjudged a ward of the court on the
38 grounds that he or she is a person described by Sections 601 and
39 602.

1 (3) The child has been detained under a court order, pursuant
2 to Section 319 or 636, that remains in effect.

3 (c) The child has been voluntarily placed by his or her parent
4 or guardian pursuant to Section 11401.1.

5 (d) The child is living in the home of a nonrelated legal
6 guardian.

7 (e) The child has been placed in foster care under the federal
8 Indian Child Welfare Act. Sections 11402, 11404, and 11405 shall
9 not be construed as limiting payments to Indian children, as
10 defined in the federal Indian Child Welfare Act, placed in
11 accordance with that act.

12 (f) To be eligible for federal financial participation, all of the
13 following conditions shall exist:

14 (1) The child meets the conditions of subdivision (b).

15 (2) The child has been deprived of parental support or care for
16 any of the reasons set forth in Section 11250.

17 (3) The child has been removed from the home of a relative as
18 defined in Section 233.90(c)(1) of Title 45 of the Code of Federal
19 Regulations, as amended.

20 (4) The requirements of Sections 671 and 672 of Title 42 of the
21 United States Code, as amended, have been met.

22 SEC. 16. Section 11402 of the Welfare and Institutions Code
23 is amended to read:

24 11402. In order to be eligible for AFDC-FC, a child shall be
25 placed in one of the following:

26 (a) The approved home of a relative, provided the child is
27 otherwise eligible for federal financial participation in the
28 AFDC-FC payment.

29 (b) (1) The licensed family home of a nonrelative.

30 (2) The approved home of a nonrelative; extended family
31 member as described in Section 362.7.

32 (c) A licensed group home, as defined in subdivision (h) of
33 Section 11400, provided that the placement worker has
34 documented that the placement is necessary to meet the treatment
35 needs of the child and that the facility offers those treatment
36 services.

37 (d) The home of a nonrelated legal guardian or the home of a
38 former nonrelated legal guardian when the guardianship of a child
39 who is otherwise eligible for AFDC-FC has been dismissed due to
40 the child's attaining 18 years of age.

(e) An exclusive-use home.

(f) A licensed transitional housing placement facility as described in Health and Safety Code Section 1559.110 and as defined in Section 11400.

(g) An out-of-state group home, provided that the placement worker, in addition to complying with all other statutory requirements for placing a minor in an out-of-state group home, documents that the requirements of Section 7911.1 of the Family Code have been met.

SEC. 17. Section 11461 of the Welfare and Institutions Code is amended to read:

11461. (a) For children placed in a licensed or approved family home with a capacity of six or less, or in an approved home of a relative or nonrelated legal guardian, or the approved home of a nonrelative extended family member as described in Section 362.7, the per child per month rates in the following schedule shall be in effect for the period July 1, 1989, through December 31, 1989:

Age	Basic rate
0-4	\$ 294
5-8	319
9-11	340
12-14	378
15-20	412

(b) (1) Any county that, as of October 1, 1989, has in effect a basic rate that is at the levels set forth in the schedule in subdivision (a), shall continue to receive state participation, as specified in subdivision (c) of Section 15200, at these levels.

(2) Any county that, as of October 1, 1989, has in effect a basic rate that exceeds a level set forth in the schedule in subdivision (a), shall continue to receive the same level of state participation as it received on October 1, 1989.

(c) The amounts in the schedule of basic rates in subdivision (a) shall be adjusted as follows:

(1) Effective January 1, 1990, the amounts in the schedule of basic rates in subdivision (a) shall be increased by 12 percent.

(2) Effective May 1, 1990, any county that did not increase the basic rate by 12 percent on January 1, 1990, shall do both of the following:

(A) Increase the basic rate in effect December 31, 1989, for which state participation is received by 12 percent.

(B) Increase the basic rate, as adjusted pursuant to subparagraph (A) by an additional 5 percent.

(3) (A) Except as provided in subparagraph (B), effective July 1, 1990, for the 1990–91 fiscal year, the amounts in the schedule of basic rates in subdivision (a) shall be increased by an additional 5 percent.

(B) The rate increase required by subparagraph (A) shall not be applied to rates increased May 1, 1990, pursuant to paragraph (2).

(4) Effective July 1, 1998, the amounts in the schedule of basic rates in subdivision (a) shall be increased by 6 percent. Notwithstanding any other provision of law, the 6-percent increase provided for in this paragraph shall, retroactive to July 1, 1998, apply to every county, including any county to which paragraph (2) of subdivision (b) applies, and shall apply to foster care for every age group.

(5) Notwithstanding any other provision of law, any increase that takes effect after July 1, 1998, shall apply to every county, including any county to which paragraph (2) of subdivision (b) applies, and shall apply to foster care for every age group.

(6) The increase in the basic foster family home rate shall apply only to children placed in a licensed foster family home receiving the basic rate or in an approved home of a relative *or nonrelative extended family member, as described in Section 362.7* or nonrelated legal guardian receiving the basic rate. The increased rate shall not be used to compute the monthly amount that may be paid to licensed foster family agencies for the placement of children in certified foster homes.

(d) (1) (A) Beginning with the 1991–92 fiscal year, the schedule of basic rates in subdivision (a) shall be adjusted by the percentage changes in the California Necessities Index, computed pursuant to the methodology described in Section 11453, subject to the availability of funds.

(B) In addition to the adjustment in subparagraph (A) effective January 1, 2000, the schedule of basic rates in subdivision (a) shall be increased by 2.36 percent rounded to the nearest dollar.

1 (2) (A) Any county that, as of the 1991–92 fiscal year, receives
2 state participation for a basic rate that exceeds the amount set forth
3 in the schedule of basic rates in subdivision (a) shall receive an
4 increase each year in state participation for that basic rate of
5 one-half of the percentage adjustments specified in paragraph (1)
6 until the difference between the county’s adjusted state
7 participation level for its basic rate and the adjusted schedule of
8 basic rates is eliminated.

9 (B) Notwithstanding subparagraph (A), all counties for the
10 1999–2000 fiscal year shall receive an increase in state
11 participation for the basic rate of the entire percentage adjustment
12 described in paragraph (1).

13 (3) If a county has, after receiving the adjustments specified in
14 paragraph (2), a state participation level for a basic rate that is
15 below the amount set forth in the adjusted schedule of basic rates
16 for that fiscal year, the state participation level for that rate shall
17 be further increased to the amount specified in the adjusted
18 schedule of basic rates.

19 (e) (1) As used in this section, “specialized care increment”
20 means an approved amount paid with state participation on behalf
21 of an AFDC-FC child requiring specialized care to a home listed
22 in subdivision (a) in addition to the basic rate. On the effective date
23 of this section, the department shall continue and maintain the
24 current ratesetting system for specialized care.

25 (2) Any county that, as of the effective date of this section, has
26 in effect specialized care increments that have been approved by
27 the department, shall continue to receive state participation for
28 those payments.

29 (3) Any county that, as of the effective date of this section, has
30 in effect specialized care increments that exceed the amounts that
31 have been approved by the department, shall continue to receive
32 the same level of state participation as it received on the effective
33 date of this section.

34 (4) (A) Except for subparagraph (B), beginning January 1,
35 1990, specialized care increments shall be adjusted in accordance
36 with the methodology for the schedule of basic rates described in
37 subdivision (c) and (d). No county shall receive state participation
38 for any increases in a specialized care increment which exceeds the
39 adjustments made in accordance with this methodology.

1 (B) Notwithstanding subdivision (e) of Section 11460, for the
2 1993–94 fiscal year, an amount equal to 5 percent of the State
3 Treasury appropriation for family homes shall be added to the total
4 augmentation for the AFDC-FC program in order to provide
5 incentives and assistance to counties in the area of specialized care.
6 This appropriation shall be used, but not limited to, encouraging
7 counties to implement or expand specialized care payment
8 systems, to recruit and train foster parents for the placement of
9 children with specialized care needs, and to develop county
10 systems to encourage the placement of children in family homes.
11 It is the intent of the Legislature that in the use of these funds,
12 federal financial participation shall be claimed whenever possible.

13 (f) (1) As used in this section, “clothing allowance” means the
14 amount paid with state participation in addition to the basic rate for
15 the provision of additional clothing for an AFDC-FC child,
16 including, but not limited to, an initial supply of clothing and
17 school or other uniforms.

18 (2) Any county that, as of the effective date of this section, has
19 in effect clothing allowances, shall continue to receive the same
20 level as it received on the effective date of this section.

21 (3) Beginning January 1, 1990, except as provided in paragraph
22 (4), clothing allowances shall be adjusted annually in accordance
23 with the methodology for the schedule of basic rates described in
24 subdivision (c) and (d). No county shall be reimbursed for any
25 increases in clothing allowances which exceed the adjustments
26 made in accordance with this methodology.

27 (4) For the 2000–01 fiscal year and each fiscal year thereafter,
28 without a county share of cost, notwithstanding subdivision (c) of
29 Section 15200, each child shall be entitled to receive a
30 supplemental clothing allowance of one hundred dollars (\$100)
31 per year subject to the availability of funds. The clothing
32 allowance shall be used to supplement, and not supplant, the
33 clothing allowance specified in paragraph (1).

34 SEC. 18. Section 16504.5 of the Welfare and Institutions
35 Code is amended to read:

36 16504.5. (a) Notwithstanding any other provision of law,
37 pursuant to subdivision (b) of Section 11105 of the Penal Code, a
38 child welfare agency may secure from an appropriate
39 governmental agency the state summary criminal history
40 information, as defined in subdivision (a) of Section 11105 of the

1 Penal Code, through the California Law Enforcement
2 Telecommunications System for the following purposes:

3 (1) To conduct an investigation pursuant to Section 11166.3 of
4 the Penal Code or an investigation involving a child in which the
5 child is alleged to come within the jurisdiction of the juvenile court
6 under Section 300.

7 (2) To assess the appropriateness and safety of placing a child
8 who has been detained or is a dependent of the court, in the
9 approved home of a relative pursuant to Section 309 or 361.4, or
10 the approved home of a nonrelative; extended family member as
11 described in Section 362.7.

12 (3) To attempt to locate a parent or guardian pursuant to Section
13 311 of a child who is the subject of dependency court proceedings.

14 (b) Any time that a child welfare agency initiates a criminal
15 background check through the California Law Enforcement
16 Telecommunications System, the agency shall ensure that a
17 fingerprint check is initiated within five judicial days of the check,
18 unless the whereabouts of the subject of the check are unknown or
19 the subject of the check refuses to submit to the fingerprint check.
20 The Department of Justice shall provide the requesting agency a
21 copy of all criminal history information regarding an individual
22 that it maintains pursuant to subdivision (b) of Section 11105 of the
23 Penal Code.

24 (c) Law enforcement personnel shall cooperate with requests
25 for criminal history information authorized pursuant to this
26 section and shall provide the information to the requesting entity
27 in a timely manner.

28 (d) Any law enforcement officer or person authorized by this
29 section to receive the information who obtains the information in
30 the record and knowingly provides the information to a person not
31 authorized by law to receive the information is guilty of a
32 misdemeanor as specified in Section 11142 of the Penal Code.

33 (e) Information obtained pursuant to this section shall not be
34 used for any purposes other than those described in subdivision (a).

35 (f) Nothing in this section shall preclude a relative or other
36 person living in a relative's home from refuting any of the
37 information obtained by law enforcement if the individual
38 believes the criminal records check revealed erroneous
39 information.

SEC. 19. Section 16507.5 of the Welfare and Institutions Code is amended to read:

16507.5. (a) When a minor is separated or is in the process of being separated from the minor's family under the provisions of a voluntary placement agreement, the county welfare department or a licensed private or public adoption agency social worker shall make any and all reasonable and necessary provisions for the care, supervision, custody, conduct, maintenance, and support of the minor, including medical treatment.

Responsibility for placement and care of the minor shall be with the social worker who may place the minor in any of the following:

(1) The approved home of a relative or the approved home of a nonrelative extended family member as described in Section 362.7.

(2) A suitable licensed community care facility.

(3) With a foster family agency to be placed in a suitable licensed home or other family home which has been certified by the agency as meeting licensing standards.

(4) A home or facility in accordance with the federal Indian Child Welfare Act.

(b) The granting of a community care license or approval status does not entitle the caregiver to the placement of a specific child or children. Placement is based on the child's needs and best interests.

SEC. 20. Section 16518 of the Welfare and Institutions Code is amended to read:

16518. The State Department of Social Services, in consultation with county placement agencies, foster care providers, and other interested community parties, shall establish criteria to be used for conducting a comprehensive home study of a licensed or ~~approved~~ foster parent that evaluates the ability, readiness, and willingness of the licensed foster parent to meet the varying needs of children, including, but not limited to, hard-to-place children. The department shall consult with the Task Force on Accreditation of Services for Children established pursuant to Section 1565 of the Health and Safety Code, and shall, as appropriate, consider the accreditation standards that are included in the accreditation plan when developing the home study criteria. The home study criteria developed pursuant to this section shall become operative at such time as the regulations adopted

1 pursuant to Section 1521.6 of the Health and Safety Code are filed
2 with the Secretary of State.

3 SEC. 21. Notwithstanding the provisions of the
4 Administrative Procedure Act, Chapter 3.5 (commencing with
5 Section 11340) of Part 1 of Division 3 of Title 2 of the Government
6 Code, on and before June 30, 2002, the State Department of Social
7 Services may implement the applicable provisions of this act
8 through all county letters or similar instructions from the director.

9 The director shall adopt regulations, as otherwise necessary, to
10 implement the applicable provisions of this act no later than July
11 1, 2002. Emergency regulations to implement the applicable
12 provisions of this act may be adopted by the director in accordance
13 with the Administrative Procedures Act.

14 SEC. 22. This act is an urgency statute necessary for the
15 immediate preservation of the public peace, health, or safety
16 within the meaning of Article IV of the Constitution and shall go
17 into immediate effect. The facts constituting the necessity are:

18 In order to clarify in statute that the state is in compliance with
19 the federal Adoptions and Safe Families Act of 1997 and entitled
20 to continue claiming foster care administrative and maintenance
21 payments under Title IV-E of the Social Security Act for relatives
22 and nonrelative; extended family member placements, it is
23 necessary that this act take effect immediately.

